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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/412,699 10/05/99 GERSON

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EXAMINER

SOBUTKA, P

ART UNIT

PAPER NUMBER

2683

DATE MAILED: 02/07/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/412,699	GERSON, IRA A.	
	Examiner	Art Unit	
	Philip J. Sobutka	2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

- |   |  |
|---|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____.  |
| 16) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)              | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>2</u> . | 20) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis, ("The Aurora Project", foundation For Intelligent Physical Agents, June 18, 1996) in view of Houser (US 5,774,859)

Consider claims 9,12,13,15,17,25,26,28,29. Ellis teaches a system comprising a subscriber unit in wireless communication with an infrastructure, the subscriber unit comprising: a portion of a speech recognition element that when activated, begins processing voice based commands, wherein the speech recognition element is implemented by a server within the infrastructure (Ellis, page 1, paragraph 6, - page 2, paragraph 2). Ellis lacks a teaching of a detector for detecting the presence of an indicator during speech that activates the speech recognition processing. Houser et al teaches a speech recognition arrangement in with a detector for detecting a predetermined utterance during speech that activates the speech recognition function (Houser see especially col 17, lines 39-64). It would have been obvious to one of ordinary skill in the art to modify the subscriber unit of Ellis to add a detector to activate the speech recognition as taught by Houser in order to allow the speech recognition function to be disabled until needed, thereby eliminating unnecessary processing.

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As to claims 1,4,5,6,20,23,24, the system of Ellis in view of Houser would perform the claimed steps.

As to claim 8,16,21, note that the activation of the recognition feature would inform the server.

As to claim 18, note that Ellis's subscriber unit is a radiotelephone (Ellis page 1, paragraph 6).

As to claims 2,3,10,11,22,27, note that Houser's activation can be by voice or input to a menu button (Houser col 17, lines 40-64, col 24, line 63 – col 25, line 32).

As to claims 7, Ellis also lacks a teaching of providing an indication to the user that the speech recognition is working. Note that Houser teaches providing an indication to the user that the speech recognition is activated (Houser col 24, line 63 – col 25, line 32). It would have been obvious to one of ordinary skill in the art to further modify Ellis to provide the indication as taught by Houser in order to ensure that user that the recognition function was active.

As to claim 14, Ellis in view of Houser as applied to claim 7, lacks a teaching of the indication being an annunciator. Official Notice is taken that the use of annunciator is well known in the art of radiotelephones, and at least one is provided on each radiotelephone. Therefore, It would have been obvious to one of ordinary skill in the art to further modify Ellis in view of Houser to use an annunciator in order to utilize equipment that is already present in the radiotelephone.

As to claim 19, Ellis in view of Houser also lack a teaching of the cellular telephone being an in-vehicle device. Official Notice is taken that it is well know to

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provide telephones as in-vehicle devices. It would have been obvious to one of ordinary skill in the art to modify Ellis in view of Houser to provide the telephone as an in vehicle device in order to reduce the possibility that the telephone would be stolen, by allowing most components to be built into the vehicle.

### ***Drawings***

2. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Barclay teaches a speech recognition function divided into a client/server arrangement.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip J. Sobutka whose telephone number is 703-305-4825. The examiner can normally be reached on Monday-Friday 8:30-6:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 703-308-5318. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6296 for regular communications and 703-308-6296 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

  
William G. Trost  
Primary Examiner

pjs  
February 2, 2001